

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT
(PCT Article 17(2)(a), Rule 13ter.1(c) and 39)

Applicant's or agent's file reference 21686-9PC	IMPORTANT DECLARATION		Date of mailing (day/month/year) 22 MAR 2005
International application No. PCT/US04/32598	International filing date (day/month/year) 01 October 2004 (01.10.2004)	(Earliest) Priority date (day/month/year) 03 October 2003 (03.10.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A62K 38/00 and US Cl.: 514/13			
Applicant BAYHILL THERAPEUTICS, INC.			

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
 ☒ the claims
 ☐ the drawings
3. ☒ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☒ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.

5. Further comments:

Please See Continuation Sheet

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Form PCT/ISA/203 (January 2004)

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5. Further comments:

Applicant failed to respond to the invitation to furnish a nucleotide and/or amino acid sequence listing in written and in computer readable form within the one month time period prescribed. Without this listing, no meaningful search of the claimed invention can be performed by the searching authority as the independent claims all require a search utilizing the listing of the sequence, i.e. the motif EYYK as set forth.